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Case 5416

RESPONSE*Rejection under 35 USC 112, first paragraph; Claims 1-43*

Claims 1 – 43 stand rejected under 35 USC 112, first paragraph, because the specification does not reasonably provide enablement for degrading the first elementary component by means other than acidic solutions, such as physical means which would degrade the fiber by tearing away portions of material or thermal means which would degrade the fiber by melting the polymer material, degrading the fiber structure. Independent claims 1, 12, 23, and 34 have been amended to include the limitation of chemical degradation of the first elementary filaments. Accordingly, Applicants believe the rejection to be traversed and request the withdrawal of such rejection.

Rejection under 35 USC 102(b); Claims 1 – 6, 8 – 17, 19 – 28, 30 – 39, and 41 – 43

Claims 1 – 6, 8 – 17, 19 – 28, 30 – 39, and 41 – 43 stand rejected under 35 USC 102(b) as being anticipated by Groten et al. (US Patent 5,899,785). Applicants have amended Claims 1, 12, 23, and 34 to further clarify the intended scope thereof. The independent claims now specify that the elementary filament components of the conjugate yarns are separated by mechanical means and that the first filament components are chemically degraded. These limitations differentiate Applicants' invention from that described by Groten et al., in which both elementary filament materials remain relatively unchanged after mechanical splitting occurs. Groten et al. do not disclose a fabric in which one component has been chemically degraded (that is, having suffered a loss in mass rather than having the filaments be physically altered as by melting or deformation).

Applicants further contend that the Groten '785 patent does not describe the application of soil release and hand-building agents to the mechanically split, chemically degraded fabric. The chemical degradation described by Applicants occurs after mechanical separation described by Groten et al. Applicants have learned that it is this loss in mass from chemical degradation that makes the process of dyeing the fabric more effective, resulting in a deeper dyed fabric. Table 5 of the present application describes the improvement in dyeing that occurs from degradation.

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Applicants submit that the rejection is now improper and request that such rejection be withdrawn.

Rejection under 35 USC 102(b); Claims 1, 4 – 6, 11, 12, 15 – 17, 22, 34, and 37 – 39

Claims 1, 4 – 6, 11, 12, 15 – 17, 22, 34, and 37 – 39 stand rejected under 35 USC 102(b) as being anticipated by Okamoto et al. (US Patent 4,008,344). Applicants have amended Claims 1, 12, 23, and 34 to further clarify the intended scope thereof.

Okamoto et al. do not teach the longitudinal separation by mechanical means of the conjugate filaments into their elementary filament components. Whereas Okamoto et al. appears content to just separate the components, the objective of Applicants' disclosure is the removal of some of the mass of one filament component, thereby providing for a greater depth of shade when the chemically modified fabric is finally dyed. Because Okamoto et al. fail to teach all of the limitations of Applicants' claims, it is believed that this rejection has been traversed and should be withdrawn.

Rejection under 35 USC 102(b); Claims 1, 4 – 6, 11, 12, 15 – 17, 22, 23, 26 – 28, 33, 34, and 37 – 39

Claims 1, 4 – 6, 11, 12, 15 – 17, 22, 23, 26 – 28, 33, 34, and 37 – 39 stand rejected under 35 USC 102(b) as being anticipated by Hayashi et al. (US Patent 4,367,070). Applicants have amended Claims 1, 12, 23, and 34 to further clarify the intended scope thereof.

Hayashi et al. are concerned with the partial dissolution and removal of polyester from a multicomponent fabric. Hayashi et al. fail to teach the degradation of a polyamide component, as is described by Applicants. Because Hayashi et al. do not teach all of the limitations of Applicants' claims, it is believed that the rejection should be withdrawn.

Rejection under 35 USC 103(a); Claims 7, 18, 29, and 40

Claims 7, 18, 29, and 40 stand rejected under 35 USC 103(a) as being unpatentable over Groten et al. or Hayashi et al. in view of Tortora (*Understanding Textiles*, 4th edition). Claims 7, 18, 29, and 40 have been cancelled, thereby rendering the rejection

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of these claims moot. Applicants believe that such amendment is sufficient to overcome the rejection and request the removal thereof.

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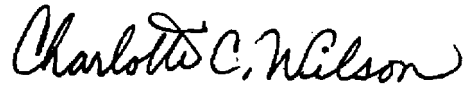
CONCLUSION

Having now amended the claims to clarify the intended scope thereof, Applicants believe they have overcome the rejections of the Examiner. Accordingly, Applicants respectfully submit that this case is in condition for allowance and courteously solicit the issuance of a Formal Notice of Allowance.

January 8, 2004

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Respectfully submitted,

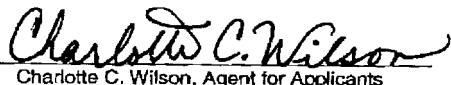


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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Response is being facsimile transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Fax No. (703) 872 - 9306 on January 8, 2004.

Signed:


Charlotte C. Wilson, Agent for Applicants